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*VIA ELECTRONIC CASE FILING AND  
ELECTRONIC MAIL*

**Re: *Kitzmiller v. Dover*, 4:04-CV-2688 (M.D. Pa.)**

Counsel:

As you are aware, Judge Jones has scheduled the hearing on FTE's intervention and the hearing/argument on issues related to reporter's testimony for the afternoon of July 14, 2004. I will be presenting the testimony and argument in the intervention matter; however, I have a previously scheduled hearing before Judge Conner at 1:30 p.m. I anticipate that this hearing will take approximately one half of an hour, and I should be available for the intervention hearing at 2:00 p.m. I have spoken to Judge Jones' chambers, and it is my understanding that the Court has no preference as to which hearing proceeds first. I would therefore request that counsel proceed with the issues related to the testimony of the reporters first; by the time that issue is resolved, I should be completed with the hearing before Judge Conner.

I thank you for your cooperation in this matter. Should you have any questions, please do not hesitate to give me a call.

Sincerely yours,

*s/Dennis E. Boyle*

Dennis E. Boyle

Cc: The Hon. John E. Jones, III (*Via ECF*)